

REMARKS

Claim Amendments and Rejections Under 35 USC 112 and 101

The rejections under sections 101 and 112 are overcome by the amendments.

In claim 18, the possible substituents were R¹ to R⁶ in the formulae, while R¹ to R⁵ only were defined; however they were defined together. It would have been clear to one of ordinary skill in the art that the definition of all the groups together was intended and not only of R¹ to R⁵, and thus, the definition should have included R⁶ also. It is clear that the situation here is one where there is a typing error whose correction is also obvious.

Claim Rejections Under 35 USC 103

The amendments overcome the rejections.

Kovaleva teaches the preparation of certain perfluoroalkylphosphonates by using NaOH. See reaction scheme on page 2245 and the first part of the experimental description on page 2247. Kovaleva does not teach or suggest using a) an alkaline earth metal hydroxide, b) an organometallic compound, or c) an organic base. Moreover, this reference does not teach the preparation of bis(perfluoroalkyl)phosphinates.

Pavlenko teaches the preparation of certain bis(perfluoroalkyl)phosphinates by the alcoholysis of acid chlorides. This is a completely different process than the claimed invention where a) an alkaline earth metal hydroxide, b) an organometallic compound, or c) an organic base is used.

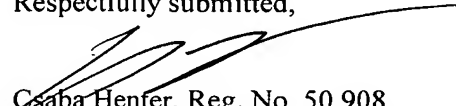
Thus, the combination of these references would not lead one of ordinary skill in the art to the claimed invention as it does not teach or suggest the same.

The Office Action alleges that Pavlenko teaches the preparation of salts of perfluoroalkylphosphonate compounds. Applicants respectfully disagree. Pavlenko teaches the preparation of certain bis(perfluoroalkyl)phosphinates while Kovaleva teaches the preparation of certain perfluoroalkylphosphonates. Both the products of the two references and the methods of achieving them are different. Thus, one of ordinary skill in the art would not have found it obvious to consider the teachings of one of these references in conjunction or combination with the other. Thus, even if somehow the claimed invention may be pieced together from the disclosures of these references, which is not admitted, there is a lack of motivation for such a combination.

Reconsideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter, Reg. No. 50,908
Anthony J. Zelano, Reg. No. 27,969
Attorneys for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5311
Facsimile: 703-243-6410
Attorney Docket No.:MERCK-2933

Date: July 27, 2006

K:\Merck\2000 - 2999\2933\Reply Jul 06.doc